

AMENDED IN SENATE APRIL 23, 1997

AMENDED IN SENATE MARCH 17, 1997

**SENATE BILL**

**No. 227**

**Introduced by Senator Solis**

January 30, 1997

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An act to amend Section 22509 of, and to add Sections 22508.5 and 70905 to, the Education Code, and to add Section 20309 to the Government Code, relating to community colleges.

LEGISLATIVE COUNSEL'S DIGEST

SB 227, as amended, Solis. Community colleges: officers and employees.

Existing law permits members of the Public Employees' Retirement System and the State Teachers' Retirement System who are subsequently employed in a position requiring membership in the other system to, upon an election made within 60 days in writing, remain in their initial retirement system.

This bill would permit certain State Teachers' Retirement System and Public Employees' Retirement System members subsequently employed by ~~community college districts~~ *specified state agencies* in positions that would require the individual to become a member of a different retirement system, to elect *coverage in either system* within ~~90~~ 60 days, in writing, ~~to remain in his or her initial retirement system.~~

The bill would also permit the Board of Governors of the California Community Colleges and a community college

district or publicly funded community college organization to enter into an agreement for the loan or assignment of an employee to or from the chancellor's office, in accordance with specified conditions.

~~This bill would also permit certain employees of state agencies that are involved with educational policy to reestablish membership in the State Teachers' Retirement System under specified circumstances.~~

~~Further, this bill would permit employees of the Board of Governors of the California Community Colleges who are eligible for Second Tier benefits under the Public Employees' Retirement System to elect First Tier membership under specified circumstances.~~

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1    ~~SECTION 1. Section 22508.5 is added to the~~  
2    ~~Education Code, to read:~~

3    ~~22508.5. (a) Any person who is a member of the State~~  
4    ~~Teachers' Retirement System employed by a community~~  
5    ~~college district who subsequently is employed by any~~  
6    ~~state agency involved with educational policy, to perform~~  
7    ~~duties that require membership in a different public~~  
8    ~~retirement system, shall be excluded from membership~~  
9    ~~in that different system if he or she elects, in writing, and~~  
10    ~~files that election in the office of the State Teachers'~~  
11    ~~Retirement System within 90 days after the person's~~  
12    ~~entry into the new position, to continue as a member of~~  
13    ~~the State Teachers' Retirement System.~~

14    ~~(b) Notwithstanding any other provision of law, any~~  
15    ~~person who was a member of the State Teachers'~~  
16    ~~Retirement System employed by a community college~~  
17    ~~district who subsequently was employed prior to January~~  
18    ~~1, 1998, by any state agency involved with educational~~  
19    ~~policy, to perform duties that required membership in a~~  
20    ~~different public retirement system, may reestablish~~  
21    ~~membership in the State Teachers' Retirement System if~~  
22    ~~he or she so elects, in writing, and files that election in the~~

~~office of the board no later than March 31, 1998. After the effective date of that election, the person shall be excluded from the different public retirement system.~~

~~(e) This section shall apply to changes in employment effected on or after January 1, 1998.~~

~~SEC. 2.—~~

*SECTION 1. Section 22508.5 is added to the Education Code, to read:*

*22508.5. (a) Any member employed by a community college district, school district, or county superintendent's office, who subsequently is employed by any of the following state agencies involved with educational policy, to perform service that requires membership in the Public Employees' Retirement System, may elect to have that service subject to coverage by this plan and excluded from coverage by the Public Employees' Retirement System. The election shall be made in writing, on a form prescribed by this system, within 60 days from the date of hire in the position requiring membership in the Public Employees' Retirement System. If that election is made, service performed for any of the following agencies after the date of hire shall be considered creditable service for purposes of this part:*

*(1) The State Department of Education.*

*(2) The Community College Chancellor's office.*

*(3) The California Postsecondary Education Commission.*

*(4) The California Council on Private Postsecondary Vocational Education.*

*(5) The Commission on Teacher Credentialing.*

*(6) The Student Aid Commission.*

*(b) Any member of the Public Employees' Retirement System who is employed by the Board of Governors of the California Community Colleges who subsequently is employed by a community college district to perform creditable service subject to coverage by this plan, may elect to have that service subject to coverage by the Public Employees' Retirement System and excluded from coverage by this plan. The election shall be*

1 *made in writing on a form prescribed by this system*  
2 *within 60 days from the date of hire to perform creditable*  
3 *service. If that election is made, creditable service*  
4 *performed for the community college district after the*  
5 *date of hire shall be subject to coverage by the Public*  
6 *Employees' Retirement System.*

7 *(c) This section shall apply to changes in employment*  
8 *effective on or after January 1, 1998.*

9 *SEC. 2. Section 22509 of the Education Code is*  
10 *amended to read:*

11 22509. (a) Within 10 working days of the date of hire  
12 *of an employee who has the right to make an election*  
13 *pursuant to Section 22508 or 22508.5, the employer shall*  
14 *inform the employee of the right to make an election*  
15 ~~*pursuant to Section 22508*~~ *and shall make available to the*  
16 *employee written information provided by—*~~*the each*~~  
17 ~~*retirement—systems*~~ *system concerning the benefits*  
18 *provided under that retirement system to assist the*  
19 *employee in making an election.*

20 ~~*(b) The election shall be made on a form prescribed by*~~  
21 ~~*the retirement systems.*~~

22 ~~*(c) Any election made pursuant to subdivision (a) of*~~  
23 ~~*Section 22508 or subdivision (a) of Section 22508.5 shall be*~~  
24 ~~*filed with the office of the State Teachers' Retirement*~~  
25 ~~*System and a copy of the election shall be filed with the*~~  
26 ~~*other public retirement system. Once received and*~~  
27 ~~*accepted by the system, the election*~~ *Any election made*  
28 *pursuant to subdivision (b) of Section 22508 or*  
29 *subdivision (b) of Section 22508.5 shall be filed with the*  
30 *office of the Public Employees' Retirement System and*  
31 *a copy of the election shall be filed with the office of this*  
32 *system.*

33 *(c) Any election made pursuant to Section 22508 or*  
34 *Section 22508.5 shall become effective as of the first day*  
35 *of employment in the position that qualified the member*  
36 *employee to make an election.*

37 *SEC. 3. Section 70905 is added to the Education Code,*  
38 *to read:*

39 70905. (a) The Board of Governors of the California  
40 Community Colleges may enter into an agreement with

1 any district or publicly funded organization within the  
2 California Community Colleges for the loan or temporary  
3 assignment to the board of governors of a person  
4 employed by any district or publicly funded community  
5 college organization within the system. The temporary  
6 assignment or loan of that employee shall not exceed two  
7 years, except that an extension of two years shall be  
8 authorized when the board of governors finds it necessary  
9 to meet a compelling program or management need. Any  
10 temporary loan or assignment shall be made only with the  
11 consent of the employee, under the terms and conditions  
12 agreeable to the employee.

13 (b) The board of governors may enter into an  
14 agreement within any community college district for the  
15 loan or temporary assignment of an employee of the  
16 chancellor's office to any district within the system. The  
17 temporary assignment or loan of that employee shall not  
18 exceed two years, except that an extension of two years  
19 shall be authorized when the district and the board of  
20 governors find it necessary to meet a compelling program  
21 or management need of the district, or a compelling  
22 training need for the board of governors. Any temporary  
23 loan or assignment shall be made only with the consent  
24 of the employee, under the terms and conditions  
25 agreeable to the employee.

26 ~~SEC. 3. Section 20309 is added to the Government~~  
27 ~~Code, to read:~~

28 ~~20309. (a) Any person who is a member of the Public~~  
29 ~~Employees' Retirement System employed by the Board~~  
30 ~~of Governors of the California Community Colleges who~~  
31 ~~subsequently is employed by a community college district~~  
32 ~~to perform duties that require membership in a different~~  
33 ~~public retirement system, shall be excluded from~~  
34 ~~membership in the different system if he or she elects, in~~  
35 ~~writing, and files that election in the office of the Public~~  
36 ~~Employees' Retirement System within 90 days after the~~  
37 ~~person's entry into the new position, to continue as a~~  
38 ~~member of the Public Employees' Retirement System.~~

39 ~~(b) Notwithstanding any other provision of law, any~~  
40 ~~person who is a member of the Public Employees'~~

~~1 Retirement System eligible for Second Tier benefits and  
2 who is employed by the Board of Governors of the  
3 California Community Colleges on January 1, 1998, shall  
4 have the right to elect First Tier benefits for all service  
5 after the effective date of that election, if and only if:~~

~~6 (1) He or she was first employed by the Board of  
7 Governors on or after July 1, 1991.~~

~~8 (2) He or she was previously a member of the Public  
9 Employees' Retirement System when employed by  
10 another public agency.~~

~~11 (3) He or she files the required election, in writing, in  
12 the office of the board no later than March 31, 1998.~~

~~13 (c) This section shall apply to changes in employment  
14 effected on or after January 1, 1998.~~

*SEC. 4. Section 20309 is added to the Government  
16 Code, to read:*

*20309. Any person who is a member of the Public  
18 Employees' Retirement System employed by the Board  
19 of Governors of the California Community Colleges who  
20 subsequently is employed by a community college district  
21 to perform service subject to coverage by a different  
22 public retirement system, may elect in writing to have  
23 that service subject to coverage by the other public  
24 retirement system and excluded from coverage by the  
25 Public Employees' Retirement System. The election shall  
26 be filed in the office of the Public Employees' Retirement  
27 System, and a copy of the election shall be filed in the  
28 office of the other public retirement system, within 60  
29 days after the person's entry into the new position, to  
30 have that service subject to coverage by the Public  
31 Employees' Retirement System and excluded from  
32 coverage by the other public retirement system.*

*This section shall apply to changes in employment  
34 effected on or after January 1, 1998.*